UNITED STATES PATENT AND TRADEMARK OFFICE

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10/773,488	02/06/2004	John Christopher Van Gorp	6270/134	6634

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/773,488	VAN GORP ET AL.
Office Action Summary	Examiner	Art Unit
	DANIEL P. VETTER	3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *27 November 2007*.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *40-79 and 81-86* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *40-66,70,71,73-79 and 81-86* is/are rejected.
7) ☒ Claim(s) *67-69 and 72* is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *9/20/2007*.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Status of the Claims

1.   Claims 40-79 and 81-85 were previously pending in this application. Claims 40, 42, 44, 56, 57, 59, 62, 65, 66, 70, 71, 81, and 82 were amended and new claim 86 was added in the reply filed November 27, 2007. Claims 40-79 and 81-86 are currently pending in this application.

Information Disclosure Statement

2.   The information disclosure statement filed September 20, 2007 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein (non-patent literature publications designated D5 and D6) has not been considered.

Response to Arguments

3.   Applicant's amendments to claims 44 and 56 overcome the objections made to these claims and they are withdrawn.

4.   Applicant's amendment to claim 65 overcomes the rejection made to this claim under § 112, second paragraph, and it is withdrawn.

5.   Applicant's amendment to claims 57, 59, 62, 66, 70, and 71 do not overcome the rejections made to these claims under § 112, second paragraph. These claims have been amended to refine their scope; however the scope of the claims remains vague and indefinite due to the recited terms "Flat Distribution," "Weighted Distribution," "Zeroing Distribution," "Slicing Distribution," "Slicing Distribution with Price Tiers," and

"Tiered Distribution," respectively. It remains unclear how these terms limit the claims in which they are recited (see rejection below).

6.   Applicant argues with respect to the rejection of independent claims 40 and 82 under § 102(e) that the claims are patentably distinct over the Ellis reference due to the newly added limitation "wherein the output comprises one or more time intervals with the at least [one] cost associated with each time interval." This argument is unpersuasive because Ellis teaches this limitation at least in Fig. 7A. This drawing illustrates the output, and conveys that the output comprises one or more time intervals 701 with the at least one cost 703A associated with each time interval.

7.   Applicant argues with respect to the rejection of independent claim 81 under § 102(e) that the claim is patentably distinct over the Ellis reference due to the newly added limitation "wherein the means for accepting accepts meta data and the means for outputting outputs the meta data with the plurality of costs." This argument is unpersuasive because Ellis teaches this limitation at least at ¶¶ 0319, 0339. Applicant notes in the reply that "the term 'meta data' is nowhere to be found in Ellis." (Remarks, page 16). Identity of terminology in a prior art reference is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). "Meta data" is a broad term with a general meaning of "data on data"; i.e. data that describes or gives context to other data. Applicant's Specification uses the examples of billing period, cost center geographic location, address or ZIP code (¶ 0031). Ellis teaches that the engine accepts consumption data, and that this data is identified by the utility billing meter that it came from (¶ 0315). The utility meter is associated with a particular facility (¶ 0319). Ellis also teaches that the engine outputs the costs by particular site or facility (¶ 0340). Accordingly, the meta data accepted and output in Ellis describes the consumption data by categorizing it by facility (or cost center/geographic location, the terms of the Specification), and meets the limitations of the claim.

Claim Objections

8.   Claim 40 is objected to because of the following informalities: "the at least cost"
in line 9 appears to be a typographical error. Appropriate correction is required.

Claim Rejections - 35 USC § 112

9.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

10.   Claims 57, 59, 62, 66, 70, 71, and 82-85 are rejected under 35 U.S.C. 112,
second paragraph, as being indefinite for failing to particularly point out and distinctly
claim the subject matter which applicant regards as the invention.

11.   Claims 57, 59, 62, 66, 70, and 71 recite that the processor performs a "Flat
Distribution," a "Weighted Distribution," a "Zeroing Distribution," a "Slicing Distribution,"
a "Slicing Distribution with Price Tiers," and a "Tiered Distribution," respectively. These
terms are fully explained in the Specification, but not in a manner that gives them a
concrete definition that fulfills the requirement of § 112, second paragraph, that the
claims particularly point out and distinctly claim the invention. For example, the
Specification contains such passages as "there may be other approaches for computing
a Flat Distribution" (¶ 0044) for each of these calculations. It is therefore unclear what
approach is being claimed when the term is invoked despite the positively recited
limitations following the terms, and the public is not properly apprised as to what would
constitute infringement of these claimed embodiments.

12.   Claim 82 recites the limitation "the time intervals" in line 9. There is insufficient
antecedent basis for this limitation in the claim.

13.   Claims 83-85 inherit the deficiencies of claim 82 through dependency and, as
such, are rejected for the same reasons.

Claim Rejections - 35 USC § 102

14.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

15.   Claims 40-58, 73-79, and 81-86 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellis, U.S. Pat. Pub. No. 2003/0009401 (Reference A of the PTO-892 part of paper no. 20070808).

16.   As per claim 40, Ellis teaches a rate engine for use in a utility distribution system, comprising: an input module operative to accept utility data, rate data and time data (¶¶ 0323-24), the time data including a time interval composed of at least one logging interval (¶ 0328); a processing module coupled with the input module and operative to compute at least one cost based on the utility data and rate data (¶ 0323), the at least one cost being associated with the time interval (¶ 0331); and an output module coupled with the processing module and operative to provide an output including the at least one cost (¶ 0325), wherein the output comprises one or more time intervals with the at least cost associated with each time interval (Fig. 7A).

17.   As per claim 41, Ellis teaches the rate engine of claim 40 as described above. Ellis further teaches the rate data comprises a plurality of charges (¶ 0326).

18.   As per claim 42, Ellis teaches the rate engine of claim 41 as described above. Ellis further teaches the time interval comprises a plurality of logging intervals (¶ 0328), and the at least one cost comprises a plurality of costs (¶ 0326), wherein each of the

plurality of costs is associated with one of the plurality of logging intervals (¶ 0335), and the plurality of costs is outputted by the output module (¶ 0325).

19.   As per claim 43, Ellis teaches the rate engine of claim 42 as described above. Ellis further teaches a communication interface coupled with said input module and operative to receive said utility data from at least one measuring device via a network (¶ 0312).

20.   As per claim 44, Ellis teaches the rate engine of claim 43 as described above. Ellis further teaches the utility data comprises at least one of water data, gas data, air data, steam data, emissions data, bandwidth data, and Million Instructions Per Second (MIPS) data (¶ 0383).

21.   As per claim 45, Ellis teaches the rate engine of claim 43 as described above. Ellis further teaches the utility data comprises electrical data (¶ 0383).

22.   As per claim 46, Ellis teaches the rate engine of claim 43 as described above. Ellis further teaches the utility data comprises hypothetical data (¶ 0334).

23.   As per claim 47, Ellis teaches the rate engine of claim 46 as described above. Ellis further teaches the hypothetical data represents at least one of data in the past, data in the future, data that has been scaled, data that has been shifted, data that has been estimated, and data that has been edited (¶ 0334).

24.   As per claim 48, Ellis teaches the rate engine of claim 42 as described above. Ellis further teaches the plurality of logging intervals span a time period associated with bill to date (¶ 0331).

25.   As per claim 49, Ellis teaches the rate engine of claim 48 as described above. Ellis further teaches the utility data comprises electrical data (¶ 0383).

26.   As per claim 50, Ellis teaches the rate engine of claim 42 as described above. Ellis further teaches the plurality of logging intervals span a time period associated with more than one billing period (¶ 0336).

27.   As per claim 51, Ellis teaches the rate engine of claim 50 as described above. Ellis further teaches the utility data comprises electrical data (¶ 0383).

28.   As per claim 52, Ellis teaches the rate engine of claim 42 as described above. Ellis further teaches the plurality of logging intervals span a time period associated with more than one tariff (¶ 0330).

29.   As per claim 53, Ellis teaches the rate engine of claim 42 as described above. Ellis further teaches the plurality of logging intervals span a time period associated with one billing period (¶ 0321), and further wherein the utility data comprises both electrical data and hypothetical data (¶ 0334).

30.   As per claim 54, Ellis teaches the rate engine of claim 42 as described above. Ellis further teaches the rate data comprises at least one of one tariff, a plurality of tariffs and real time pricing (¶ 0330).

31.   As per claim 55, Ellis teaches the rate engine of claim 42 as described above. Ellis further teaches the input module accepts meta data (¶ 0321) and the output module outputs the meta data with the plurality of costs (¶ 0339).

32.   As per claim 56, Ellis teaches the rate engine of claim 55 as described above. Ellis further teaches the meta data further comprises at least one of a cost center identifier and a billing period identifier (¶ 0340).

33.   As per claim 57, Ellis teaches the rate engine of claim 42 as described above. Ellis further teaches the processing module performs a Flat Distribution calculation in which a charge for the time interval is distributed evenly across the plurality of logging intervals (¶ 0275).

34.   As per claim 58, Ellis teaches the rate engine of claim 42 as described above. Ellis further teaches the processing module determines a spanning interval, the spanning interval having a plurality of spanning logging intervals; and distributes each of the plurality of charges evenly across the plurality of spanning logging intervals (¶ 0278).

35.   As per claim 73, Ellis teaches the rate engine of claim 42 as described above. Ellis further teaches at least one of the plurality of charges is not billed on a logging interval basis (¶ 0273).

36.   As per claim 74, Ellis teaches the rate engine of claim 42 as described above. Ellis further teaches the utility data comprises data for at least one resource (¶ 0312), further wherein the processing module: varies the value of the at least one resource to create a plurality of hypothetical values (¶ 0334); combines each of the plurality of hypothetical values with the rate data to create a plurality of hypothetical costs (¶ 0334), wherein each of the plurality of hypothetical costs is associated with one of the plurality of hypothetical values (¶ 0334); and outputs the plurality of hypothetical costs (¶ 0334).

37.   As per claim 75, Ellis teaches the rate engine of claim 74 as described above. Ellis further teaches the processing module varies the value of the at least one resource by percentage increments (¶ 0334).

38.   As per claim 76, Ellis teaches the rate engine of claim 74 as described above. Ellis further teaches the processing module varies the value of the at least one resource by unit increments (¶ 0335).

39.   As per claim 77, Ellis teaches the rate engine of claim 74 as described above. Ellis further teaches the at least one logging interval comprises a plurality of logging intervals (¶ 0328), further wherein the processing module repeats for each logging interval the creating the hypothetical values (¶¶ 0344, 0360), the combining the plurality of hypothetical values with the rate data to create a plurality of hypothetical costs and outputting the plurality of hypothetical costs (¶ 0334).

40.   As per claim 78, Ellis teaches the rate engine of claim 77 as described above. Ellis further teaches the utility data comprises a plurality of resource data (¶ 0312), further wherein the processing module repeats for each of the plurality of resource data (¶ 0360), repeating for each logging interval the creating the hypothetical values (¶¶ 0344, 0360), the combining the plurality of hypothetical values with the rate data to create a plurality of hypothetical costs and outputting the plurality of hypothetical costs (¶ 0344).

41.   As per claim 79, Ellis teaches the rate engine of claim 78 as described above. Ellis further teaches the processing module identifies logging intervals where the

hypothetical costs are sensitive to variations in the hypothetical values of the resource data (¶ 0344).

42.   As per claim 81, Ellis teaches a system for calculating the per logging interval cost of a utility, comprising: means for accepting utility data, rate data and time data from a data source (¶¶ 0323-24), the rate data comprising a plurality of charges (¶ 0326), the time data comprising a plurality of logging intervals (¶ 0331); means for computing a plurality of costs based on the utility data and rate, each of the plurality of costs being associated with one of the plurality of logging intervals (¶ 0323); and means for outputting the plurality of costs (¶ 0325), wherein the means for accepting accepts meta data (¶ 0319) and the means for outputting outputs the meta data with the plurality of costs (¶ 0339).

43.   As per claim 82, Ellis teaches a system for calculating the per logging interval cost of a utility, the system comprising: a rate engine, the rate engine having: an input module operative to accept utility data, rate data and time data (¶¶ 0323-24), the rate data comprising a plurality of charges (¶ 0326), the time data comprising at least one time interval composed of a plurality of logging intervals (¶ 0331); a processing module coupled with the input module and operative to compute a plurality of costs based on the utility data and rate, each of the plurality of costs being associated with one of the time intervals (¶ 0323); and an output module coupled with the processing module and operative to provide an output including the plurality of costs (¶ 0325), wherein the output comprises one or more time intervals with the plurality of costs associated with each time interval (Fig. 7A).

44.   As per claim 83, Ellis teaches the system of claim 82 as described above. Ellis further teaches wherein the rate engine further comprises a communication interface coupled with said input module and operative to transmit said utility data to said input module (¶ 0312).

45.   As per claim 84, Ellis teaches the system of claim 83 as described above. Ellis further teaches a network coupled with said communication interface, and operative to transmit said utility data to said communication interface (¶ 0312).

46.   As per claim 85, Ellis teaches the system of claim 84 as described above. Ellis further teaches comprising a measuring device coupled with said network and operative to generate and transmit said utility data to said network (¶ 0312).

47.   As per claim 86, Ellis teaches the system of claim 46 as described above. Ellis further teaches the hypothetical data comprises at least one of past data, future data, scaled data, shifted data, estimated data, edited data, modeled data, and normalized data (¶ 0334).

Claim Rejections - 35 USC § 103

48.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

49.   Claims 59-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Chasek, U.S. Pat. No. 5,237,507 (Reference B of the PTO-892 part of paper no. 20070808).

50.   As per claim 59, Ellis teaches the rate engine of claim 42 as described above. Ellis does not explicitly teach the processing module computes a Weighted Distribution calculation in which one or more charges are distributed based on weighting of another charge; which is taught by Chasek (column 2, lines 26-29). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate

the above teachings of Chasek in order to encourage efficient utility use (as taught by Chasek, Abstract).

51.   As per claim 60, Ellis teaches the rate engine of claim 42 as described above. Ellis further teaches at least one of the plurality of charges comprises a penalty charge (¶ 0342), and at least one of the plurality of charges comprises a usage charge (¶ 0335) and further wherein the processing module determines a spanning interval, the spanning interval having a plurality of spanning logging intervals (¶ 0278). Ellis does not explicitly teach the module calculates a percentage of the usage charge for each spanning logging interval; and distributes the penalty charge weighted according to the percentage of the usage charge; which is taught by Chasek (column 2, lines 15-22). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Chasek in order to encourage efficient utility use (as taught by Chasek, Abstract).

52.   As per claim 61, Ellis in view of Chasek teaches the rate engine of claim 60 as described above. Ellis further teaches the utility data comprises electrical data (¶ 0383).

53.   Claims 62-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Williams, Intl. Pat. Pub. No. WO 95/26065 (Reference N of the PTO-892 part of paper no. 20070808).

54.   As per claim 62, Ellis teaches the rate engine of claim 42 as described above. Ellis does not explicitly teach the processing module computes a Zeroing Distribution calculation wherein the at least one cost is determined by iteratively computing a marginal cost for each of the plurality of logging intervals; which is taught by Williams (page 18). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Williams into the rate engine taught by Ellis in order to compute values for sub periods (as taught by Williams, page 18).

55.   As per claim 63, Ellis teaches the rate engine of claim 42 as described above. Ellis further teaches original utility data is associated with each of said plurality of logging intervals (¶ 0312), and further wherein the processing module determines a spanning interval, the spanning interval having a plurality of spanning logging intervals (¶ 0278); calculates a total cost associated with the spanning interval (¶ 0323); and associates the one of said plurality of costs with the one of said plurality of logging intervals (¶ 0323). Ellis does not teach the rate engine does the following, which are taught by Williams: sets utility data associated with one of said plurality of logging intervals to a value such that the cost of the utility data comprises zero for the one of said plurality of logging intervals (page 18); combines the utility data and rate date to create a temporary cost associated with the spanning interval (page 18, ¶ 3); subtracts the temporary cost from the total cost to create one of said plurality of costs (page 19, ¶ 4); resets the utility data associated with the one of said plurality of logging intervals to the original utility data (page 19, ¶ 1); and repeats the setting, combining, subtracting and resetting for the remainder of each of said plurality of logging intervals (page 19, ¶ 2). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Williams into the rate engine taught by Ellis in order to determine charges for sub periods (as taught by Williams, page 17, ¶ 4).

56.   As per claim 64, Ellis in view of Williams teaches the rate engine of claim 63 as described above. Ellis further teaches the utility data comprises electrical data (¶ 0383).

57.   As per claim 65, Ellis in view of Williams teaches the rate engine of claim 63 as described above. Williams further teaches the processing module scales said plurality of costs (page 17, ¶ 3). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Williams into the rate engine taught by Ellis in view of Williams in order to account for loss (as taught by Williams, page 17, ¶ 3). The limitation "so that the sum of said plurality of costs is equal to said total cost" is a recitation of intended use and is only afforded patentable

weight to the extent that it imparts structural limitations on the invention, which are met by Williams (page 17).

58.   As per claim 66, Ellis teaches the rate engine of claim 40 as described above. Ellis does not explicitly teach the processing module computes a Slicing Distribution calculation wherein the at least one cost is determined by iteratively computing a marginal cost for each of a plurality of logging intervals, which is taught by Williams (page 18). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Williams into the rate engine taught by Ellis in order to compute values for sub periods (as taught by Williams, page 18).

59.   Claims 70 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Chasek and Liebl, et al., U.S. Pat. No. 5,289,362 (Reference C of the PTO-892 part of paper no. 20070808).

60.   As per claims 70, and 71, Ellis teaches the rate engine of claim 40 as described above. Ellis does not explicitly teach the processing module computes a Slicing Distribution with Price Tiers calculation wherein the at least one cost is determined by iteratively computing a common cost and evenly distributing the common cost across a plurality of logging intervals, wherein the common cost is computed for one of a common resource usage shared by the plurality of logging intervals and resource usage; which is taught by Chasek (col. 2, lines 15-22). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Chasek in order to encourage efficient utility use (as taught by Chasek, Abstract). Ellis in view of Chasek does not explicitly teach price tier boundaries, which are taught by by Liebl, et al. (column 1, line 66- column 2, line 9). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Liebl, et al. into the rate engine taught

by Ellis in view of Chasek to allow a customer to minimize electric power costs (as taught by Liebl, et al.; column 1, lines 63-66).

61.   As per claim 71, Ellis teaches the rate engine of claim 40 as described above. Ellis does not explicitly teach the processing module computes a Tiered Distribution calculation, wherein the at least one cost is determined by iteratively computing a common cost for a resource usage shared by a plurality of logging intervals and distributing the common cost across the plurality of logging intervals according to resource usage; which is taught by Chasek (col. 2, lines 15-22). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Chasek in order to encourage efficient utility use (as taught by Chasek, Abstract). Ellis in view of Chasek does not explicitly teach price tier boundaries, which are taught by by Liebl, et al. (column 1, line 66- column 2, line 9). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Liebl, et al. into the rate engine taught by Ellis in view of Chasek to allow a customer to minimize electric power costs (as taught by Liebl, et al.; column 1, lines 63-66).

Allowable Subject Matter

62.   Claims 67-69 and 72 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

63.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE
MONTHS from the mailing date of this action. In the event a first reply is filed within
TWO MONTHS of the mailing date of this final action and the advisory action is not
mailed until after the end of the THREE-MONTH shortened statutory period, then the
shortened statutory period will expire on the date the advisory action is mailed, and any
extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of
the advisory action. In no event, however, will the statutory period for reply expire later
than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to DANIEL P. VETTER whose telephone number is
(571)270-1366. The examiner can normally be reached on Monday through Thursday
from 8am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for
the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
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/JOHN W HAYES/
Supervisory Patent Examiner, Art Unit 3628